

AGING DEPARTMENT [321]
Adopted and Filed Emergency

2009 Iowa Acts, Senate File 204, amended Iowa Code chapter 231 providing for various technical changes, including a change in the Department's name from the "Department of Elder Affairs" to the "Department on Aging," a change in the Commission's name from the "Commission of Elder Affairs," to the "Commission on Aging," and a change in references to "elders" or "seniors" to "older individuals." This rule making amends the Department's rules to comply with the Act, by making changes to these references.

2009 Iowa Acts, House File 811, eliminated the requirement for the "Senior Living Coordinating Unit (SLCU)" by amending Iowa Code section 231.58. This rulemaking amends the Department's rules to comply with the Act, by eliminating references to the "SLCU" in the Department's rules.

2007 Iowa Acts, Senate File 601, transferred the regulatory authority for adult day services, assisted living programs, and elder group homes from the Department on Aging to the Department of Inspections and Appeals. This rulemaking amends the Department's rules to comply with the Act by eliminating references to authority under Iowa Code chapters 231B, 231C, and 231D.

The Department was notified by the Code Editor's Office that the Department's name change will move the Department's placement in the alphabetical index of the Iowa Administrative Code (IAC) from "321" to "17." This rule making amends the Department's rules by directing the Code Editor to change all references from "321" to "17" and transfer the Department's placement in the index from "321" to "17."

Item 25 of this rulemaking is a technical change that removes unnecessary definitions for "child" and "grandparent or elder who is a relative caregiver" from Chapter 7 because the definitions are now included in Chapter 14, "Iowa Family Caregiver Support Program."

Other technical changes in this rulemaking include changes to correct references to the Department's web site or telephone number.

For good cause and pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation prior to adoption of these amendments pursuant to Iowa Code section 17A.4(1) are impracticable and contrary to the public interest by providing for the implementation of 2009 Iowa Acts, Senate File 204, 2009 Iowa Acts, House File 811, and 2007 Iowa Acts, Senate File 601.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendments made effective January 1, 2010. These amendments confer a benefit upon the public by providing for the implementation of 2009 Iowa Acts, Senate File 204, 2009 Iowa Acts, House File 811, and 2007 Iowa Acts, Senate File 601.

These rules are intended to implement Iowa Code chapter 231, Iowa Code chapter 249H, 2009 Iowa Acts, Senate File 204, and 2009 Iowa Acts, House File 811, and 2007 Iowa Acts, Senate File 601.

These amendments become effective January 1, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 321 – 1.1(231), introductory paragraph, as follows:

321 – 1.1(231) Authority and purpose. The rules of the Iowa department of elder affairs on aging are based on the authority of Iowa Code chapters 231, ~~231B~~, ~~231C~~, ~~231D~~, 231E, and 249H. These rules prescribe requirements:

ITEM 2. Amend subrule **1.1(2)** as follows and renumber:

321 – 1.1(2) ~~For certification and operation of elder group homes, assisted living programs, and adult day services.~~

ITEM 3. Amend subrule **1.1(7)** as follows:

321 – 1.1(7) For operation, administration and planning of the long-term care resident's advocate/ombudsman office and other entities under the department's purview which assist in ensuring quality care and protection of Iowa's ~~elders~~ older individuals.

ITEM 4. Amend rule 321 – 1.4(231) as follows:

~~“DEA”~~ IDA means the Iowa department of ~~elder affairs~~ on aging established in Iowa Code chapter 231.

~~“SLCU” means the senior living coordinating unit as established in Iowa Code section 231.58.~~

ITEM 5. Amend rule 321 – 1.5 as follows:

“Comprehensive and coordinated system” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

2. Develop and make the most efficient use of supportive services and nutrition services to meet the needs of ~~elders~~ older individuals with a minimum of duplication.

ITEM 6. Amend rule 321 – 1.5 as follows:

“*Continuum of care*” means a full range of economic, physical, psychological, social, and support programs and services necessary to maintain or restore ~~elders~~ older individuals to their optimal environment.

ITEM 7. Amend rule 321 – 1.5 as follows:

~~“Elder”~~ “*Older individual*” means a person aged 60 or older.

ITEM 8. Amend rule 321 – 1.5 as follows:

ITEM 9. Amend rule 321 – 1.5 as follows:

“*Greatest social need*” means the need caused by noneconomic factors, which include physical and mental disabilities, language barriers, and cultural, geographic or social isolation including isolation caused by racial or ethnic status, that restrict an individual’s ability to perform normal daily tasks or that threaten the ~~elder’s~~ older individual’s capacity to live independently.

ITEM 10. Amend rule 321 – 1.5 as follows:

“*Instrumental activities of daily living*” or “*IADL*” means those activities that reflect the ~~elder’s~~ older individual’s ability to perform household and other tasks necessary to meet the ~~elder’s~~ older individual’s needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

ITEM 11. Amend rule 321 – 1.5 as follows:

~~“Senior living coordinating unit” or “SLCU” means the senior living coordinating unit established in Iowa Code section 231.58.~~

ITEM 12. Amend 321 – Chapter 1 by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “commission of elder affairs” with “commission on aging,” replacing all references to “DEA” with “IDA,” and replacing all references to “321” with “17.”

ITEM 13. Transfer 321 – Chapter 1 to 17 – Chapter 1.

ITEM 14. Amend paragraph 2.3(1)”c” as follows:

c. From the Web site at: ~~<http://www.ia.state.us/elderaffairs>~~; www.aging.iowa.gov.

ITEM 15. Amend subrule 3.3(8) as follows:

3.3(8) Dates and locations of commission meetings may be obtained from the department's Web site at <http://www.ia.state.us/elderaffairs>, www.aging.iowa.gov or directly from the department by calling ~~(515) 242-3333~~ (515) 725-3333.

ITEM 16. Amend 321 – Chapter 3 by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “commission of elder affairs” with “commission on aging,” and replacing all references to “321” with “17.”

ITEM 17. Transfer 321 – Chapter 3 to 17 – Chapter 3.

ITEM 18. Amend 321 – Chapter 4 by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “elder” or “elderly” with “older individuals,” and replacing all references to “321” with “17.”

ITEM 19. Transfer 321 – Chapter 4 to 17 – Chapter 4.

ITEM 20. Amend subrule 5.19(3) as follows:

5.19(3) These rules are intended to implement Iowa Code chapter 231 and 249H.

ITEM 21. Amend 321 – Chapter 5 by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 22. Transfer 321 – Chapter 5 to 17 – Chapter 5.

ITEM 23. Amend 321 – Chapter 6 by replacing all references to “department of elder affairs” with “department on aging,” by replacing all references to “elder(s)” with “older individual(s),” by replacing all references to “321” with “17,” and by replacing all references to <http://www.ia.state.us/elderaffairs> with www.aging.iowa.gov.

ITEM 24. Transfer 321 – Chapter 6 to 17 – Chapter 6.

ITEM 25. Amend rule 321 – 7.1 as follows:

~~“Child” means an individual who is 18 years of age or younger.~~

~~“Grandparent or elder who is a relative caregiver” means a grandparent or stepgrandparent of a child or a relative of a child by blood or marriage, who is 60 years of age or older and:~~

- ~~1. Lives with the child;~~
- ~~2. Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregivers; and~~
- ~~3. Has a legal relationship to the child such as legal custody or guardianship or is raising the child informally.~~

ITEM 26. Amend 321 – Chapter 7 by replacing all references to “elder(s)” with “older individual(s)” and replacing all references to “321” with “17.”

ITEM 27. Transfer 321 – Chapter 7 to 17 – Chapter 7.

ITEM 28. Amend 321 – Chapter 8 by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 29. Transfer 321 – Chapter 8 to 17 – Chapter 8.

ITEM 30. Amend 321 – Chapter 9 by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 31. Transfer 321 – Chapter 9 to 17 – Chapter 9.

ITEM 32. Amend 321 – Chapter 10 by replacing all references to “department of elder affairs” with “department on aging,” by replacing all references to “elder” with “older individual,” and by replacing all references to “321” with “17.”

ITEM 33. Transfer 321 – Chapter 10 to 17 – Chapter 10.

ITEM 34. Amend 321 – Chapter 13 by replacing all references to “department of elder affairs” with “department on aging,” and by replacing all references to “commission of elder affairs” with “commission on aging,” and replacing all references to “321” with “17.”

ITEM 35. Transfer 321 – Chapter 13 to 17 – Chapter 13.

ITEM 36. Amend 321 – Chapter 18 by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 37. Transfer 321 – Chapter 18 to 17 – Chapter 18.

ITEM 38. Amend 321 – Chapter 19 by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 39. Transfer 321 – Chapter 19 to 17 – Chapter 19.

ITEM 40. Amend 321 – Chapter 21 by replacing all references to “321” with “17.”

ITEM 41. Transfer 321 – Chapter 21 to 17 – Chapter 21.

ITEM 42. Amend 321 – Chapter 22 by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 43. Transfer 321 – Chapter 22 to 17 – Chapter 22.

ITEM 44. Amend 321 – Chapter 28 by replacing all reference to “321” with “17.”

ITEM 45. Transfer 321 – Chapter 28 to 17 – Chapter 28.